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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,475	03/26/2004	Michael W. Frauens	H10317/DPS	9797
1333 7590 05/14/2009 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201				
EXAMINER LABOMBARD, RUTH NAOMI				
ART UNIT 2852		PAPER NUMBER		
MAIL DATE 05/14/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,475

**Applicant(s)**

FRAUENS ET AL.

**Examiner**

RUTH N. LABOMBARD

**Art Unit**

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5, 7, 8, 12 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) 31-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 8, 12 and 23-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. The objections to the claims in the previous Office action have been withdrawn in light of the amendments received on March 25, 2009.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2, 5, 7, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaukeinen et al. (JP 07043978 A) in view of Desie et al. (US 6,246,424 B1) as set forth in the previous Office action mailed on December 22, 2008.
4. Claims 1 and 23 have been amended to include a limitation indicating the toning rollers are "offset a distance perpendicular to the receiver transport path."
5. Figure 4 of Desie et al. clearly depicts rollers offset in a perpendicular direction with respect to the substrate 109.
6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaukeinen et al. (JP 07043978 A) in view of Desie et al. (US 6,246,424 B1) and further in view of Costrop et al. (US 5,848,339) as set forth in the previous Office action mailed on December 22, 2008.

7. Claims 23-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaukeinen et al. (JP 07043978 A) in view of Rushing (US 6,671,052 B1) as set forth in the previous Office action mailed on December 22, 2008.

8. Claims 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaukeinen et al. (JP 07043978 A) in view of Desie et al. (US 6,246,424 B1) and further in view of Nakazato (US 6,483,997 B1) as set forth in the previous Office action mailed on December 22, 2008.

#### ***Response to Arguments***

9. Applicant's arguments filed March 25, 2009 have been fully considered but they are not persuasive. Applicant argues "Desie et al. ... shows only a single toning roller (element 103 in FIG. 4 of the reference) having overlapping areas provided with toner, and not multiple toning stations (emphasis original)." The Office agrees that Desie et al. does not necessarily disclose multiple toning rollers; however, Desie et al. is relied upon as a secondary reference for teaching a plurality of toning stations arranged in an overlapping manner to provide means for wide format toning (column 1, lines 11-13). Kaukeinen et al., the primary reference, clearly disclose a plurality of toning stations and toning rollers.

#### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUTH N. LABOMBARD whose telephone number is (571) 272-6430. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Gray/  
Supervisory Patent Examiner,  
Art Unit 2852

/RNL/  
5/12/09